

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

MARY JANE WILKINS and
WALTER WILKINS
1455 Skitchewaug
Springfield, VT 05156,
Plaintiffs,

v.

Civil Action No. 09-cv-114-

DAVID R. KRONER
c/o Alice Peck Day Memorial Hospital
Medical Office Building
129A Mascoma Street
Lebanon, NH 03766

and

CATHERINE A. SCHNEIDER
251 Elm Street
Claremont, NH 03743,
Defendants.

**COMPLAINT
AND
DEMAND FOR TRIAL BY JURY**

The Parties

1. Mary Jane Wilkins and Walter Wilkins are married and are residents of Vermont.
2. David R. Kroner is a resident of New Hampshire. He is a medical doctor and practices medicine in New Hampshire.
3. Catherine A. Schneider is a resident of New Hampshire. She is a medical doctor and practices medicine in New Hampshire.

Plante &
Hanley, P.C.

Jurisdiction and Venue
28 U.S.C. §§ 1332(a)(1) and 1391

4. This Court has jurisdiction and is the proper venue because of the parties' diversity of citizenship, because the acts and omissions complained of took place in New Hampshire and the amount in controversy is in excess of \$75,000.

The Facts

5. On April 29, 2008, Mary Jane Wilkins, who was in good health, went to Alice Peck Day Memorial Hospital in Lebanon, New Hampshire for a routine screening colonoscopy by David Kroner.
6. During the course of the procedure, Dr. Kroner perforated Mrs. Wilkins' colon.
7. Later the same day, Dr. Kroner attempted to surgically repair the perforation or perforations.
8. On May 2, 2008, Dr. Kroner discharged Mrs. Wilkins from Alice Peck Day Memorial Hospital.
9. On May 3, 2008, Mrs. Wilkins returned to and was readmitted to Alice Peck Day Memorial Hospital.
10. Mrs. Wilkins was under the care of the defendants between May 3, 2008 and May 10, 2008.
11. On May 10, 2008, Dr. Schneider performed a colostomy on Mrs. Wilkins.
12. Mrs. Wilkins continued to be very ill.
13. Mr. Wilkins was with Mrs. Wilkins from May 2, 2008 through May 15, 2008 and believed that the defendants were not providing appropriate and adequate care and treatment to Mrs. Wilkins.

14. On May 15, 2008, at the plaintiffs' request, the defendants transferred Mrs. Wilkins to Dartmouth-Hitchcock Medical Center (DHMC) in Lebanon, New Hampshire.
15. Mrs. Wilkins stayed at DHMC until June 16, 2008, when she was transferred to Mt. Ascutney Hospital in Windsor, Vermont.
16. Mrs. Wilkins remained in that hospital until June 24, 2008, when she was discharged to her home with a colostomy.
17. Subsequently, doctors at DHMC took down Mrs. Wilkins' colostomy.

**COUNT I
ACTION FOR MEDICAL INJURY**

18. Mrs. Wilkins restates paragraphs 1 through 17.
19. The defendants deviated from the standard of care for similarly situated health care providers during their care and treatment of Mrs. Wilkins in April and May 2008.
20. As a direct and proximate result of these deviations from the standard of care, Mrs. Wilkins suffered permanent injury and disfigurement, experienced great pain and suffering, suffered extreme emotional distress, incurred significant medical expenses and was deprived of the care, comfort, companionship and consortium of her husband.

**COUNT II
LOSS OF CONSORTIUM**

21. Mr. Wilkins restates paragraphs 1 through 17.
22. As a direct and proximate result of the defendants' tortious actions and inactions, Mr. Wilkins was deprived of the care, comfort, companionship and consortium of his wife.

**COUNT III
EXTREME EMOTIONAL DISTRESS**

23. Mr. Wilkins restates paragraphs 1 through 17.
24. As a direct and proximate result of the defendants' tortious actions and inactions, Mr. Wilkins suffered extreme emotional distress.

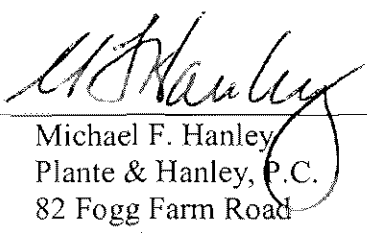
PLAINTIFFS DEMAND TRIAL BY JURY.

WHEREFORE, Mary Jane Wilkins and Walter Wilkins demand judgment in their favor, full and adequate compensation and such other relief as is just and equitable.

Dated: March 25, 2009

MARY JANE WILKINS and
WALTER WILKINS

By: _____


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**MARY JANE WILKINS AND WALTER WILKINS'
DEMAND FOR TRIAL BY JURY**

Mary Jane Wilkins and Walter Wilkins demand trial by jury.

Dated: March 25, 2009

MARY JANE WILKINS and
WALTER WILKINS

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†Admitted in Vermont

March 25, 2009

Hon. James R. Starr
Clerk
United States District Court for the District of New Hampshire
Warren B. Rudman U.S. Courthouse
55 Pleasant Street, Room 110
Concord, NH 03301-3941

Re: Mary Jane Wilkins and Walter Wilkins v.
David R. Kroner and Catherine A. Schneider

Dear Judge Starr:

I wish to commence this action by filing. I enclose:

1. *Civil Cover Sheet*;
2. *Complaint*;
3. *Mary Jane Wilkins and Walter Wilkins' Demand for Trial by Jury*; and
4. my firm's check number 10470 in the amount of \$350 in satisfaction of the filing fee.

I also enclose proposed summonses for Dr. Kroner and Dr. Schneider. Please sign and return them to me for service on the defendants.

Respectfully yours,


Michael F. Hanley

MFH:kim
Enclosures
cc: Mary Jane Wilkins
Walter Wilkins
D. James Mackall